



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,889	12/26/2001	Shouji Fujino	FUJINO=4	8273

1444 7590 01/19/2005  
BROWDY AND NEIMARK, P.L.L.C.  
624 NINTH STREET, NW  
SUITE 300  
WASHINGTON, DC 20001-5303

EXAMINER

DEAN, RAYMOND S

ART UNIT	PAPER NUMBER
----------	--------------

2684

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/018,889	<b>Applicant(s)</b> FUJINO, SHOUJI	
	<b>Examiner</b> Raymond S Dean	<b>Art Unit</b> 2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2004.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 - 4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>0302</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see Page 5 Second Paragraph of the Remarks filed September 2, 2004 with respect to Claim 3 have been fully considered and are persuasive. Examiner agrees with Applicants' assertion that Claim 3 is a multiple dependent claim that is permissible. The objection of Claim 3 has therefore been withdrawn.

2. Applicant's arguments filed September 2, 2004 have been fully considered but they are not persuasive.

Examiner respectfully disagrees with the Applicants' assertion on Page 6 Second Paragraph lines 9 – 12 of the Remarks. When the transceiver is in scan mode the transceiver will scan from one channel or carrier frequency to another. During the scan mode each channel will be monitored for a finite amount of time for activity. If no activity is detected on said channel the next channel in the sequence will be monitored for a finite amount of time and so on. If activity has been detected on a particular channel said channel will be monitored for an additional finite amount of time. When a user of the transceiver depresses the push-to-talk (PTT) button the scanning will stop and a talk signal will be transmitted on the channel that is currently being monitored if activity has been detected on said channel. There can be, during a plurality of times, activity on a plurality of the channels that comprise the channels that are scanned, thus when a user

Art Unit: 2684

depresses the PTT button the talk signal can be transmitted on any one of said channels at any given time (See Englert Column 1 lines 40 – 47, Column 2 lines 62 – 68, Column 3 lines 1 – 2, and Column 5 lines 50 – 65).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., preventing illegal tapping of a conversation) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Flynn teaches an identification number (Column 2 lines 15 – 19, Column 2 lines 24 – 29, Column 5 lines 56 – 62) and a detection circuit for extracting data of an identification number of an incoming signal (Column 7 lines 4 – 15).

Englert and Flynn both teach a two-way land mobile radio with push-to-talk (PTT) capability thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use identification number and the method of extracting said identification number taught above in Flynn in the land mobile radio of Englert for the purpose of enabling the user (user A) of said land mobile radio to be informed of the identity of another user (user B), who wishes to contact said user A.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2684

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Englert et al. (5,247,703) in view of Flynn et al. (5,583,885).

Regarding Claim 1, Englert teaches a frequency translation transceiver characterized by comprising: a memory unit for storing and setting a plurality of frequencies (Figure 3, Column 5 lines 34 – 35); a receiver circuit for performing a scanning operation of said plurality of frequencies in its receiving mode to obtain an incoming signal (Column 3 lines 10 – 15, Column 5 lines 50 – 65, the controller is the receiver circuit that performs the scanning operation); a transmitter circuit for transmitting an audio signal (Column 5 lines 39 – 50, the controller is also the transmitter circuit); and means for stopping said scanning operation of said plurality of frequencies stored in said memory unit when a sender depresses a PTT switch, whereby different carrier frequencies are used for successive transmitting operations (Column 1 lines 40 – 47, Column 2 lines 62 – 68, Column 3 lines 1 – 2, and Column 5 lines 50 – 65, when a user of the transceiver depresses the push-to-talk (PTT) button the scanning will stop and a talk signal will be transmitted on the channel that is currently being monitored if activity has been detected on said channel, there can be, during a plurality of times, activity on a plurality of the channels that comprise the channels that are scanned, thus when a user depresses the PTT button the talk signal can be transmitted on any one of said channels at any given time).

Englert does not teach an identification number and a detection circuit for extracting data of an identification number of an incoming signal.

Flynn teaches an identification number (Column 2 lines 15 – 19, Column 2 lines 24 – 29, Column 5 lines 56 – 62) and a detection circuit for extracting data of an identification number of an incoming signal (Column 7 lines 4 – 15).

Englert and Flynn both teach a two-way land mobile radio with push-to-talk (PTT) capability thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use identification number and the method of extracting said identification number taught above in Flynn in the land mobile radio of Englert for the purpose of enabling the user (user A) of said land mobile radio to be informed of the identity of another user (user B), who wishes to contact said user A.

Regarding Claim 2, Englert in view of Flynn teaches all of the claimed limitations recited in Claim 2. Englert further teaches wherein a carrier is detected by receiving one of said plurality of frequencies immediately after the end of said scanning operation (Column 7 lines 34 – 39) and said carrier is not detected (Column 7 lines 34 – 39, when a carrier is not detected the microprocessor activates the squelch control line to mute the audio so that the user can transmit). Flynn further teaches transmitting said data of said identification number and then transmitting said audio signal (Column 2 lines 24 – 27, Column 5 lines 56 – 62).

Regarding Claim 3, Englert in view of Flynn teaches all of the claimed limitations recited in Claim 2. Englert further teaches stopping the scanning operation when said carrier is received (Column 3 lines 10 – 15, Column 7 lines 34 – 39). Flynn further

teaches reception of said audio signal starts when said identification number is confirmed through authentication of said data of said identification number (Figure 4, Column 6 lines 52 – 67, Column 7 lines 4 – 15, the High Pass Filter (HPF)/ANI Detector will only pass legitimate ANI information to the modem thus there is an inherent confirmation and identification done by said HPF/ANI Detector).

Regarding Claim 4, Englert in view of Flynn teaches all of the claimed limitations recited in Claim 2. Flynn further teaches transmission of said audio signal is performed after a lapse of a predetermined period of time after said data of said identification number is transmitted (Column 2 lines 24 – 27, Column 5 lines 56 – 62, the ANI information is transmitted before the audio thus there is an inherent lapse of a predetermined period of time between transmission of said ANI information and said audio).

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2684

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

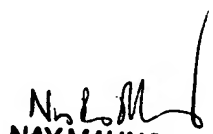
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond S Dean whose telephone number is 703-305-8998. The examiner can normally be reached on 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Raymond S. Dean  
January 6, 2005



NAY MAUNG  
SUPERVISORY PATENT EXAMINER